

Nevada Division of Environmental Protection

AUTHORIZATION TO DISCHARGE

In compliance with Chapter 445A of the Nevada Revised Statutes,

Bently Nevada LLC

is authorized to discharge from a facility located at :

1631 Bently Parkway South

Minden

Douglas County

Latitude: 38° 00' 22" North

Longitude: 119° 45' 40" West

Township 13 North - Range 20 East - Section 27

to receiving waters named:

Groundwater via the Minden Gardnerville Sanitation District
Municipal Wastewater Treatment Plant

in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III hereof.

This permit shall become effective on: **Month XX, 200X.**

This permit and the authorization to discharge shall expire at midnight **Month XX, 200X.**

Signed this **XXxx** day of **Month**, 200X.

Robert J. Saunders
Staff Engineer
Bureau of Water Pollution Control



PART I

I.A. EFFLUENT LIMITATIONS, MONITORING REQUIREMENTS AND CONDITIONS

This is a pretreatment permit for discharge to the collection system of a publicly owned treatment works (POTW), the Minden Gardnerville Sanitation District wastewater treatment plant (NEV40027). Nevada Administrative Code (NAC) 445A.254 adopts the U. S. EPA national pretreatment regulations (40 CFR § 401.10 to 469.26) by reference. This facility falls under the *Metal Finishing Subcategory* at 40 CFR § 433. Modified portions of 40 CFR § 403.5, 433.11, 433.12, and 433.17 are included in Part I.A.1 below.

I.A.1.a Effluent Limitations and Monitoring Requirements

- (1) During the period beginning on the effective date of this permit, and lasting until the permit expires, the Permittee is authorized to discharge wastestreams from the processes at the plant that are regulated under the *Metal Finishing Subcategory* at 40 CFR § 433 to the Minden Gardnerville Sanitation District sanitary sewer collection system (Outfall 001). These processes are: anodize (rinsing steps), wave solder (rinsing step), three wet grinders, and a parts washer. Samples taken in compliance with the monitoring requirements specified below shall be taken at the locations specified in the O & M Manual.

The discharge shall be limited and monitored by the Permittee as specified below.

Table I.A.1.a(1)

Parameter mg/l except as noted	Discharge Limitations		
	Monthly Average	Daily Maximum	Measurement Frequency ⁽¹⁾
Flow, gpd		4000	continuous
Cadmium (T) ⁽²⁾	0.07	0.11	twice per year
Chromium (T)	1.71	2.77	twice per year
Copper (T)	2.07	3.38	twice per year
Lead (T)	0.43	0.69	twice per year
Nickel (T)	2.38	3.98	twice per year
Silver (T)	0.24	0.43	twice per year
Zinc (T)	1.48	2.61	twice per year
Cyanide (T)	0.65	1.20	twice per year
TTO ⁽³⁾	-	2.13 ⁽⁴⁾	twice per year
pH, standard units	between 6 and 9		each anodize holding tank discharge ⁽⁵⁾

- (1) Samples shall be collected in accordance with procedures described in the O & M Manual
- (2) T = Total
- (3) Total Toxic Organics, which is the summation of all quantifiable values greater than 0.01 mg/l for the organic chemicals listed at 40 CFR § 433.11(e) - see Appendix
- (4) A certification statement may be submitted instead of analytical data. (Part I.A.1.a(2))
- (5) Each anodize holding tank shall be adjusted for pH, as needed, prior to discharge.

The discharge shall not be diluted to achieve compliance with the limitations above.

- (2) Instead of monitoring for TTO, the Permittee may, upon Division approval of the Toxic Organic Management Plan (see below) make the following certification statement on the Discharge Monitoring Reports (Part I.B.2):

“Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the Division.”

If monitoring is necessary to measure compliance with the TTO standard, the Permittee need only analyze for those pollutants which would

reasonably be expected to be present, as documented in the Toxic Organic Management Plan.

In requesting the certification alternative, the Permittee shall submit a **Toxic Organic Management Plan** for Division approval that specifies the toxic organic compounds used, the method of disposal, and procedures for ensuring that toxic organics do not routinely spill or leak into the wastewater.

I.A.1.b. Prohibited Discharges

- (1) **General prohibition.** The permittee may not introduce into a POTW any pollutant(s) which cause pass through or interference.
- (2) **Affirmative Defense.** The Permittee shall have an affirmative defense in any action brought against it alleging a violation of the general prohibition above and the specific prohibitions below where the Permittee can demonstrate that It did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference; and the Permittee's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the Permittee's prior discharge when the POTW was regularly in compliance with it's discharge permit and, in the case of interference, applicable requirements for sewage sludge use or disposal.

I.A.1.c. Specific prohibitions. In addition, the following pollutants shall not be introduced into a POTW:

- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR § 261.21;
- (2) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the POTW is specifically designed to accommodate such discharges;
- (3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;

- (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
 - (5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds 40 °C (104 °F) unless the Administrator, upon request of the POTW, approves alternate temperature limits.
 - (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- I.A.2. There shall be no objectionable odors from the collection system, treatment facility or disposal area.
- I.A.3. There shall be no discharge of substances that would cause a violation of the drinking water standards in the groundwater.
- I.A.4. All solid waste screening shall be disposed or reused in a manner approved by the Division and the County
- I.A.5. There shall be no discharge from the collection, treatment and disposal facilities except as authorized by this permit.
- I.A.6. Any changes to treatment facilities shall be constructed in conformance with plans approved by the Division. The plans must be approved by the Division prior to the start of construction. All changes to the approved plans must be approved by the Division.
- I.A.7. The discharges from the processes regulated by this permit shall be managed in accordance with an Operations and Maintenance (O&M) Manual, which must be approved by the Division. The manual shall describe the operations of the regulated processes related to the discharges, and the sources of pollutants from those units. In addition, the manual shall include sampling and analysis procedures used to comply with the U.S. EPA pretreatment regulations and this permit.

I.A.8. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting **July 1, 2004** and every year thereafter until the permit is terminated.

I.A.9. **Schedule of Compliance**

- a. The Permittee shall implement and comply with the provisions of the schedule of compliance after approval by the Administrator, including any additions or modifications which the Administrator may make.
- b. The Permittee shall achieve compliance with the effluent limitations upon issuance of the permit.
- c. The permittee shall submit an updated O & M Manual by the three month anniversary of the effective date of this permit. The requirements for the manual are given by Part I.A.7 of this permit.

I.B. **MONITORING AND REPORTING**

I.B.1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. Analyses shall be performed by a State of Nevada certified laboratory. Results from this lab must accompany the Discharge Monitoring Report.

I.B.2. **Reporting**

a. **Biannual Reporting**

Monitoring results obtained during the period of January through June shall be summarized for each month and reported on a Discharge Monitoring Report (DMR) form received in this office no later July 28 each year. Similarly, results for the period of July through December shall be submitted no later than January 28 each year. Any data submitted in excess of the limits in Part I.A.1.a(1) must be explained by a narrative. The first report is due on **Month** 28, 2004. An original signed copy of these, and all other reports required herein, shall be submitted to the State at the following address:

Diana Silsby, Compliance Coordinator
Bureau of Water Pollution Control
Nevada Division of Environmental Protection
333 W Nye Lane
Carson City NV 89706-0851

b. **Annual Reporting**

In addition to the requirements above, the reports for the July through December periods shall contain a plot, of the monitored quantity (y-axis) versus date (x-axis) for each analyzed constituent. The plot shall include

data from the preceding five years, if available. Any data point from the current year that is greater than the limits in Part I.A.1 must be explained by a narrative.

I.B.3. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations (40 CFR, Part 136) published pursuant to Section 304(h) of the Clean Water Act, under which such procedures may be required unless other procedures are approved by the Division.

I.B.4. Recording the Results

The following information shall be recorded for each measurement or sample taken pursuant to the requirements of this permit:

- a. the exact place, date, and time of sampling
- b. the dates the analyses were performed
- c. the person(s) who performed the analyses
- d. the analytical techniques or methods used, and
- e. the results of all required analyses.

I.B.5. Additional Monitoring by Permittee

If the Permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report form. Such increased frequency shall also be indicated.

I.B.6. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years, or longer if required by the Administrator.

I.B.7. Modification of Monitoring Frequency and Sample Type

After considering monitoring data, stream flow, discharge flow and receiving water conditions, the Division, may for just cause, modify the monitoring frequency, sample type, or both, by issuing an order to the Permittee.

I.B.8. All laboratory analyses conducted in accordance with this discharge permit must have detection at or below the permit limits.

PART II

II.A. MANAGEMENT REQUIREMENTS

II.A.1. Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, or treatment modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Any changes to the permitted treatment facility must comply with Nevada Administrative Code NAC 445A.283 to 445A.285. Pursuant to NAC 445A.263, the permit may be modified to specify and limit any pollutants not previously limited.

II.A.2. Facilities Operation

The Permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities, collection systems or pump stations installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.

II.A.3. Adverse Impact

The Permittee shall take all reasonable steps to minimize any adverse impact to receiving waters resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

II.A.4. Noncompliance, Unauthorized Discharge, Bypassing and Upset

- a. Any diversion, bypass, spill, overflow or discharge of treated or untreated wastewater from wastewater treatment or conveyance facilities under the control of the Permittee is prohibited except as authorized by this permit. In the event the Permittee has knowledge that a diversion, bypass, spill, overflow or discharge not authorized by this permit is probable, the Permittee shall notify the Division immediately.
- b. The Permittee shall notify the Division within twenty four (24) hours of any diversion, bypass, spill, upset, overflow or release of treated or untreated discharge other than that which is authorized by the permit. A written report shall be submitted to the Administrator within five (5) days of diversion, bypass, spill, overflow, upset or discharge, detailing the entire incident including:
 1. Time and date of discharge
 2. Exact location and estimated amount of discharge
 3. Flow path and any bodies of water which the discharge reached

4. The specific cause of the discharge, and
 5. The preventive and corrective actions taken.
- c. The following shall be included as information which must be reported within 24 hours: any unanticipated bypass which exceeds any effluent limitation in the permit; any upset which exceeds any effluent limitation in the permit; and violation of a limitation for any toxic pollutant or any pollutant identified as the method to control a toxic pollutant.
 - d. The Permittee shall report all instances of noncompliance not reported under Part II.A.4.b. at the time monitoring reports are submitted. The reports shall contain the information listed in Part II.A.4.b.
 - e. An "upset" means an incident in which there is unintentional and temporary noncompliance with the permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - f. In selecting the appropriate enforcement option, the Division shall consider whether or not the noncompliance was the result of an upset.
 - g. The burden of proof is on the Permittee to establish that an upset occurred. In order to establish that an upset occurred, the Permittee must provide, in addition to the information required under paragraph II.A.4.b. above, properly signed contemporaneous logs or other documentary evidence that:
 1. The facility was at the time being properly operated as required in paragraph II.A.2. above, and
 2. All reasonable steps were taken to minimize adverse impacts as required by paragraph II.A.3. above.

II.A.5. Removed Substances

Solids, sludge, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner that will prevent any pollution from such materials from entering any navigable waters.

II.A.6. Safeguards to Electric Power Failure

- a. Provide at the time of discharge an alternative power source sufficient to operate the wastewater control facilities, or
- b. Halt or reduce all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

II.B. RESPONSIBILITIES

II.B.1. Right of Entry

The Permittee shall allow the Administrator and/or his authorized representatives, upon the presentation of credentials:

- a. To enter upon the Permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit, and
- b. At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to perform any necessary sampling to determine compliance with this permit or to sample any discharge.

II.B.2. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the Permittee shall notify the succeeding owner or controller of the existence of this permit, by letter, a copy of which shall be forwarded to the Administrator. All transfer of permits shall be approved by the Division.

II.B.3. Availability of Reports

Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of the Division. Effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.

II.B.4. Furnishing False Information and Tampering with Monitoring Devices

Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.

II.B.5. Penalty for Violation of Permit Conditions

Nevada Revised Statutes NRS 445A.675 provides that any person who violates a permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705.

II.B.6. Permit Modification, Suspension or Revocation

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. violation of any terms or conditions of this permit
- b. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts, or
- c. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

II.B.7. Toxic Pollutants

Notwithstanding Part II.B.6. above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under NAC 445A for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.

II.B.8. Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State or local laws, regulations, or ordinances.

II.B.9. Property Rights

The issuance of this permit does not convey any property rights, in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

II.B.10. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provisions of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

PART III

III.A. OTHER REQUIREMENTS

III.A.1. Reapplication

If the Permittee desires to continue to discharge, he shall reapply not later than 180 days before this permit expires on the application forms then in use. The application shall be accompanied by the renewal application fee required by NAC 445A.232.

III.A.2. Signatures, certification required on application and reporting forms

- a. All applications, reports, or information submitted to the Administrator shall be signed and certified by making the following certification.

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- b. All applications, reports or other information submitted to the Administrator shall be signed by one of the following:
- i. A principal executive officer of the corporation (of at least the level of vice president) or his authorized representative who is responsible for the overall operation of the facility from which the discharge described in the application or reporting form originates; or
 - ii. A general partner of the partnership; or
 - iii. The proprietor of the sole proprietorship; or
 - iv. A principal executive officer, ranking elected official or other authorized employee of the municipal, state or other public facility.

c. **Duly Authorized Representative**

All Discharge Monitoring Reports and any other information required by this permit or requested by the Administrator shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- i. The authorization is made in writing by a person described in paragraph (b) of this section
- ii. The authorization specifies either an individual or a position having responsibility for environmental matters for the company, and
- iii. The authorization is submitted to the Division.

- d. **Changes to Authorization.** If an authorization under paragraph c. of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph b. of this section must be submitted to the Administrator prior to or together with any reports, information, or applications to be signed by an authorized representative.

Appendix: Total Toxic Organics (from 40 CFR § 433.11(e))

Acenaphthene	N-nitrosodi-n-propylamine
Acrolein	Pentachlorophenol
Acrylonitrile	Phenol
Benzene	Bis (2-ethylhexyl) phthalate
Benzidine	Butyl benzyl phthalate
Carbon tetrachloride (tetrachloromethane)	Di-n-butyl phthalate
Chlorobenzene	Di-n-octyl phthalate
1,2,4-Trichlorobenzene	Diethyl phthalate
Hexachlorobenzene	Dimethyl phthalate
1,2,-Dichloroethane	1,2-Benzanthracene
1,1,1-Trichloroethane	(benzo(a)anthracene)
Hexachloroethane	Benzo(a)pyrene (3,4-benzopyrene)
1,1-Dichloroethane	3,4-Benzofluoranthene (benzo(b)fluoranthene)
1,1,2-Trichloroethane	11,12-Benzofluoranthene
1,1,2,2-Tetrachloroethane	(benzo(k)fluoranthene)
Chloroethane	Chrysene
Bis (2-chloroethyl) ether	Acenaphthylene
2-Chloroethyl vinyl ether (mixed)	Anthracene
2-Chloronaphthalene	1,12-Benzoperylene (benzo(ghi)perylene)
2,4,6-Trichlorophenol	Fluorene
Parachlorometa cresol	Phenanthrene
Chloroform (trichloromethane)	1,2,5,6-Dibenzanthracene
2-Chlorophenol	(dibenzo(a,h)anthracene)
1,2-Dichlorobenzene	Indeno(1,2,3-cd) pyrene (2,3-o-phenylene pyrene)
1,3-Dichlorobenzene	Pyrene
1,4-Dichlorobenzene	Tetrachloroethylene
3,3-Dichlorobenzidine	Toluene
1,1-Dichloroethylene	Trichloroethylene
1,2-Trans-dichloroethylene	Vinyl chloride (chloroethylene)
2,4-Dichlorophenol	Aldrin
1,2-Dichloropropane	Dieldrin
1,3-Dichloropropylene (1,3-dichloropropene)	Chlordane (technical mixture and metabolites)
2,4-Dimethylphenol	4,4-DDT
2,4-Dinitrotoluene	4,4-DDE (p,p-DDX)
2,6-Dinitrotoluene	4,4-DDD (p,p-TDE)
1,2-Diphenylhydrazine	Alpha-endosulfan
Ethylbenzene	Beta-endosulfan
Fluoranthene	Endosulfan sulfate
4-Chlorophenyl phenyl ether	Endrin
4-Bromophenyl phenyl ether	Endrin aldehyde
Bis (2-chloroisopropyl) ether	Heptachlor
Bis (2-chloroethoxy) methane	Heptachlor epoxide
Methylene chloride (dichloromethane)	(BHC-hexachloro-
Methyl chloride (chloromethane)	cyclohexane)
Methyl bromide (bromomethane)	Alpha-BHC
Bromoform (tribromomethane)	Beta-BHC
Dichlorobromomethane	Gamma-BHC
Chlorodibromomethane	Delta-BHC
Hexachlorobutadiene	(PCB-polychlorinated biphenyls)
Hexachlorocyclopentadiene	PCB-1242 (Arochlor 1242)
Isophorone	PCB-1254 (Arochlor 1254)
Naphthalene	PCB-1221 (Arochlor 1221)
Nitrobenzene	PCB-1232 (Arochlor 1232)
2-Nitrophenol	PCB-1248 (Arochlor 1248)
4-Nitrophenol	PCB-1260 (Arochlor 1260)
2,4-Dinitrophenol	PCB-1016 (Arochlor 1016)
4,6-Dinitro-o-cresol	Toxaphene
N-nitrosodimethylamine	2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)
N-nitrosodiphenylamine	